

## **Parks & Recreation Council**

### **LOCATION:**

**Fenwick Bethany Chamber of Commerce  
36913 Coastal Hwy  
Fenwick, DE 19944**

**Thursday, August 1, 2019  
9:30 a.m.**

### **Council Members**

Ron Breeding, Vice Chairperson  
Clyde Shipman  
Jim White

Ed Lewandowski  
Bobbi Steele  
Jan Durham

Joe Smack  
Isaac Daniels  
Brenda Bramble

### **Staff**

Ray Bivens, Director  
Greg Abbott

Esther Knotts  
Matt Ritter

Eric Dawson

## **I. Introductions/Announcements**

- A. Vice Chairman Ron Breeding called the Council meeting to order at 9:39 a.m.
- B. Ron asked for a moment of silence to honor Chairman Ron Mears who passed away on June 17, 2019. The Vice Chairman stated that Mr. Mears “served the Council well”. He shared that there had never been a more passionate or dedicated Chair. Ray stated that Mr. Mears was probably the most tenured Park Council member in the nation.

Greg announced that an endowment to benefit Lums Pond State Park has been established to honor Chairman Mears with the Delaware Community Foundation. Past Director Charles Salkin and former long-time employee Carol Baxter will be sending out information to Division retirees asking for donations to the Ron Mears Memorial Fund for Lums Pond. Ray shared information on how Council members could contribute to the fund.

Ron Breeding will run the meetings as Vice Chairman until the next scheduled elections.

Ray explained that the meeting location, the Bethany Fenwick Chamber of Commerce, is located on State Park land. The Chamber owns the building but the State of Delaware owns the property. The Chamber continues to be a good partner and together we are seeking additional ways to work together.

Ray introduced Eric Dawson who was promoted to the Park Administrator II position in the Operations, Maintenance, and Programming section. He also shared that Matt Ritter was promoted to the Environmental Program Administrator position replacing Matt Chesser.

## **II. Official Business/Council Activities**

- A. Approval of Meeting Minutes

Ron asked for Council approval of the May meeting minutes. Brenda made a motion to approve the minutes. Clyde Shipman seconded the motion. The motion carried unanimously.

B. Council Member Reports:

1. Fort Delaware Society – *Bobbi Steele reported.*

The Society continues to do “general maintenance” of the Robelen Building. It has been painted in the last week or so.

An intern is working with Martha Bennett to “thin out the live area a little bit”. The Society has been covering a lot of American History in general but will now be trying to focus more on the periods that the island served through history including the Spanish American War.

They added shelving through grant-in-aid program.

Long time board member Hugh Simmons has moved to South Carolina. He will continue to be the web master for the Society and will continue to direct the research for descendants requesting information regarding prisoners who were housed on the island. Hugh donated eight boxes of records to the Society and Martha and the intern are in the process of cataloguing that information.

Fort Delaware will only be hosting one POW event this summer (August 10<sup>th</sup> & 11<sup>th</sup>). Parks is changing the format and will be featuring four theater sets. Bobbi invited the

There will not be a Kidsfest held at Fort Delaware this year.

The Society has taken the usual artifacts out to the island and will retrieve them after Labor Day when the season ends.

The Society will be cutting back on their outreach schedule because core people who have been doing outreach “are having to step back” due to health reasons, etc.

They are trying to increase their internet presence. That seems to be paying off because the Society is getting more requests for guest speakers to go to different groups and share information. They are working with the Guidestar group and are part of Amazon Smiles so they are able to take donations made by people who are shopping online.

The fall membership meeting will be Sunday, October 20, 2019. The speaker will talk about the Fort McHenry and Fort Delaware connection. Prisoners coming to Fort Delaware came through Fort McHenry. Prisoners were also sent from Fort Delaware to Fort McHenry.

The annual luncheon in February of 2020 is already being booked. An unusual topic will be addressed at that meeting: the northern perspective of the Pickett-Pedigrew charge.

2. Natural Areas Advisory Council – *Ed Lewandowski reported.*

The Council is reviewing the draft master plan for White Clay Creek State Park. It has been a “very solid process”. Jim White attended the public master plan meeting. He stated, “it was a well-run meeting and he was pleased by the participation”. He said, “the plan is excellent” and the amount of time spent by the Division in preparing the plan is evident. Jim was very pleased with the process and the plan to move forward. Ray shared a copy of the draft master plan and stated that there was opposition to certain issues. Jim stated that, “there were more people [at the meeting] who were pleased with the plan but they were the silent majority” as compared to the very vocal minority who were opposed. White Clay Creek has the most neighbors of any park in our system. Finalizing the master plan will help provide direction for the next 10 years.

Ray shared that \$200K was allocated for White Clay Creek in the Bond Bill. It was allocated specifically to engineer redesigning Big Pond. Next week, the Governor and the Secretary will be touring White Clay Creek with park neighbors Don Sharpe and Bill Foster and will likely visit Creek Road and the Big Pond area.

Jim White asked how the Council could show support for the plan.

Ray stated that the Council will be reviewing the master plan prior to it coming to the Director for signature. The Chair of the Council will be responsible for verifying that the plan has been reviewed and that public meetings were held to allow sufficient input.

Clyde shared an article from the newspaper regarding the yard waste site at White Clay Creek and how it got funded to remain open for another year. Clyde shared that there were so many complaints about the site closing. He said the intention of the site when they first opened it 15 years ago was for the site to be a one-year pilot. The master plan shows that property coming back into park use. Clyde said he, “would like to see the Council support that, take a vote, have a letter written” regarding the plan and include eliminating the yard waste site. Ray voiced his surprise that during the public meeting there was no discussion about the yard waste site. An individual spoke to him after the meeting about their concerns that the site was being closed. Jim White said that insects are a concern there. He stated, “that you can’t just keep bringing stuff in from other places anymore”. Clyde agreed and stated, “you get the insects, you get the [invasive] plant material”. Clyde stated that is a big part of the problem; at White Clay Creek they are dumping it for free.

Ron Breeding asked if the Council wanted to make a motion to write a letter in support of the master plan. Jim White stated that from a natural perspective, looking at biodiversity and a passive non-recreational use, the three issues that are important are, “closing the [yard waste] dump, never opening that [Creek] Road again to vehicles, building that pond back up”.

After the masterplan meeting, Ray was interviewed by the press and shared that less than a half mile from Big Pond is Smithmill Pond. Smithmill Pond is not as big as Big Pond but it is fully accessible and has an existing parking lot. Ray stated that if Big Pond is reopened, the closest parking will be located at Papermill Park. Anyone who wanted to access Big Pond would have to cross Papermill Road which is a very busy road. Then they would have to go quite a distance on a trail to access Big Pond. This would be very dangerous for and difficult for visitors with accessibility issues or who are elderly. The

other option is to bring cars into a very unique natural area. Bringing Big Pond back would cost \$2M. The Pond was originally built to bring geese to the area. At that time, the depth of the pond averaged 1 ½ feet. The Division is currently spending money to remove geese from the park.

Ed Lewandowski stated that he would call the Chair of the Natural Areas Advisory Council and have the master plan added to their agenda for the next meeting. Ray shared that the Division will be accepting comments regarding the master plan for 2-3 weeks. Jim White made a motion to, “support the master plan as it is read” and specified the three areas of major concern, “keeping Creek Road closed, not improving the Pond; keeping it as a stream, and keeping the yard waste site closed”. Clyde clarified that funding had been approved to keep the yard waste site opened for another year. Ed seconded the motion. The Council unanimously voted to approve the motion.

Jennifer Holmes has been hired as the Natural Heritage Program Manager. She will replace Eileen Butler and will be responsible for managing the Nature Preserve Program and will be supporting the Natural Areas Advisory Council.

3. Wildlife Management Committee – *Clyde Shipman reported.*

The Environmental Stewardship Program (ESP) has two crews; one assigned to the southern region and one assigned to the northern region. They are removing invasive species.

Goose management is taking place at Fort Delaware under a US Fish and Wildlife permit.

The ESP is using Green Grazer goats to help remove invasive plant species at Brandywine Creek State Park.

Chris Bennett is updating maps and rules for the upcoming hunting season. Hunting will be allowed at the Godwin Tract at Cape Henlopen and Sunset Lake at Lums Pond. At Killens Pond there will be more public hunting including archery and managed hunts.

A 4’X8’ utility trailer was converted into a fully accessible hunting blind. Through this pilot program the trailer will be utilized as a mobile hunting blind in New Castle County. If it goes well, the Division intends to expand to Kent and Sussex Counties in the future.

ESP is doing heronry surveys one night a week on Pea Patch Island. This will continue through the summer.

Piping Plovers made six nesting attempts on the beach this summer yielding four successfully hatched chicks. Prime Hook Wildlife Refuge has 14 pairs of plovers nesting.

Fish and Wildlife hired a biologist who is working at Cape Henlopen. The biologist is doing research on ticks that were found on trapped foxes. A new tick has been found in Delaware. It is an Asian tick. This tick’s density is greater than the deer ticks’ and it is threatening livestock.

4. Resident Curatorship – *Joe Smack reported.*

Seven inquiries have been made this year regarding properties included in the curatorship program. Four of the people inquiring did not understand the concept of the curatorship program; they were looking for “turn-key” properties. Two of those who inquired visited properties. One visitor is working with the Division in developing a plan for the Clever House. The second visitor is interested in the Lums Mill House but they will not be ready to proceed for a few years. If the Division is interested in working with this investor, the Division would need to shore up the building in order to stabilize it until this person is ready to move forward.

Jim Hall was contacted by Carmel-by-the-Sea, California which is Clint Eastwood’s stomping grounds. They requested information regarding the curatorship program and asked for a sample contract. Jim will share the contract once legal is finished making changes to it.

A structural report was done on the Lums Mill House by Griddell. The Mill House has significant foundation issues. Eric shared that moisture has decayed the mortar on the foundation due to the grading of the property. The grade was changed when the highway was put in. The Division is looking at possibly excavating the property to stabilize the foundation. He said the foundation was lowered four or five feet below grade and it was not designed to be that way. Joe stated that it seems to be buckling at the bottom.

Griddell will also be conducting an assessment of the Cleaver House. The Division will work on the entry door to make it easier to access. Clyde asked if there are utilities at this property. Eric said it has electric and an outside well. Joe stated that it has potential; it is a good site at a good location.

Clyde asked what is going on with the Port Penn Museum. Ray stated that it is opened every weekend but attendance is not good. The Division continues to try different things to encourage attendance. Eric said staff has been tasked to do more programming at that location in the off season.

### **III. Public Comment**

There was no public comment.

### **IV. Staff Reports**

#### **1. Policy/Legislation – *Ray Bivens reported.***

Ray shared that the Division did very well during the legislative session. Senate Bill 66 was approved. This bill allows seasonal park patrol officers (PPOs) to issue simple citations such as dogs off leash, surf fishing violation and failure to pay park entry fees. The plan is to implement the procedure next summer with eight to ten PPOs trained to write tickets for minor violations.

Joe shared that the Department of Health and Social Services (DHSS) has a juvenile civil citation program which enables any law enforcement officer to write a civil citation instead of arresting a youth who has committed a simple crime. The youth then has to report in and register on the internet. DHSS has received some referrals from DNREC enforcement officers and the administrator of the program is appreciative of DNREC’s efforts.

Ray stated that Tip 411 is very popular. Ray shared that, thanks to the public, a man was arrested for removing a protected species of shark from the edge of the water. This arrest was the result of a tip from another park visitor. The Division has confiscated his surf fishing permit until the outcome of his case. The man will be taking this issue to court to fight the case.

Ray shared that the Division received funding for two new generally funded park ranger positions; one at Cape; one at Delaware Seashore/Fenwick.

We received over \$2M in funding for the Biden Center. This will not finish the project but we hope to do the needed demolition to the building and move park staff currently housed in the Biden Center to an extended park office. Eventually the Center will be purely a facility that you rent and the public won't be walking in and out of it on a daily basis.

The Division received approximately \$4M in shared rehab funds. Approximately, \$3M of these funds will be used on a project at the Zoo. One half of the money for that project is coming from a Federal Land and Water Trust Fund grant. Approximately \$1.5M will come from State funds. An additional \$700K was earmarked for Bellevue State Park and of our general rehab money, \$500K more was earmarked so we will have \$1.2M total to do projects at Bellevue.

This is supposed to be the last year the Division receives money for NVF. The Division received the \$200K for Big Pond.

Ron Breeding had a meeting with Representative Dukes who tried to get money for a splash pad facility at Trap Pond. The Representative was not successful but he pledged \$60K of his and Senator Richardson's money to help with planning. The Representative intends to try to get funding for the project again next year.

There was also money in the budget to help pay for the Wilmington State Parks office and maintenance shop that will be part of the new Baynard Stadium. There was no requirement that the State put money into that project but legislators chose to do that. The improvements they have planned there for offices and a new maintenance shop, etc. are well-over \$5M.

Many Friends Groups received money in the Grant-in-Aid portion of the budget. The Zoological Society got \$5K and it is the first time they have ever received money from the program. The Fort Mile Historical Association previously received \$15K a year and this year they received \$80K.

The Division had been looking at purchasing biodegradable bags to replace our plastic carry-in-carry-out bags. But these bags look very much like plastic and they also break down in to small pieces so we are planning to explore moving to paper bags instead. This will put us in compliance with the Plastic Bag Bill. The Division will continue to offer plastic bags for dog feces as it would be difficult to pick up feces with a paper bag. The Division will evaluate how and where we distribute the plastic bags and will be more strategic in distribution.

There was also a Litter Bill introduced. This bill would require that trash cans be available in any public park. The Division made the case that it is much better to not have trash cans. Recycling is better. Carry in/carry out was allowed in the bill.

Ray congratulated Ed for his work on the paddling guide for coastal southern Delaware. This guide highlights park trails and our vendor at Cape Henlopen. The waterproof map is very well done and people love them. There were only 2000 copies printed.

The rangers issued a ticket to an equestrian rider who refused to clean up their horse's dung on the beach. When the ranger approached her to ask her to clean up the horses feces, she stated it was too hot to be cleaning up horse droppings and said, "just ticket me".

2. Section Updates – A handout was provided to the Council and highlights were discussed by section managers.

A. **Office of Administration** – *Greg Abbott reported.*

- B. The Division's Airstream made its debut at the Delaware State Fair. The Division sold approximately \$15K in Delaware State Parks branded retail merchandise at the fair. The Division is partnering with the Delaware Tourism Office which is contributing \$20K toward the Airstream.

The Division has a new Community Relations Officer. Jayme Gravell joined our team in July and she is settling in nicely.

On July 2<sup>nd</sup>, the Division reached its surf fishing permit cap of 17,000 permits sold. Delaware residents bought 78.5% of the passes sold.

The sales of annual passes have increased by 1731 passes compared to sales at this same time last year. Annual revenue from the sale of annual passes so far this year is \$70,236.50.

The Division installed 18 Parkeon automated fee collection machines. Transactions at these machines are simple and take about 30 seconds. In just two weeks, the Parekon machines collected \$11K at Delaware Seashore State Park.

Ed asked why camping statistics have increased. Greg said that the marketing department is focusing on promoting camping in Delaware State Parks particularly for weekday and shoulder season stays and the capital investments at Lums Pond and Cape Henlopen have played a big part in the increase. Ray added that we are proud to have reached our goal of increasing the average number of nights campers stay with us to three nights per reservation. Clyde noted that we need to add utilities at Old Camp at Delaware Seashore. Delaware Seashore is a destination park. Campers are coming to do something other than camp.

The Division has a \$10K sponsorship trade with DE Turf that included signage and sponsorship for a national high school lacrosse tournament.

For years, the Division has talked about offering insurance to volunteers. The Friends of Killens Pond State Park purchased a policy that provides coverage to any registered Delaware State Parks volunteer. The cost of the policy is \$3,800.00 per year.

During the last fiscal year, volunteers donated 140,000 hours in Delaware State Parks. That is the equivalent of 72 full-time employees. From April to June, volunteer hours totaled 33,674.20.

**C. Operations, Maintenance, and Programming- *Eric Dawson reported.***

The weekend of June 21<sup>st</sup>, Killens Pond had four events including the 88.7 the Bridge concert, a huge race, the waterpark reached capacity, and 21 families attended the Governor's Campout where families roasted marshmallows, enjoyed hayrides, learned how to erect tents, and were gifted with camping equipment.

New ADA compliant fishing docks were installed at Smith Mill Pond. Ponds were stocked and a great event was held for children in wheelchairs.

The Division purchased ground-penetrating radar equipment for use by the Cultural Stewardship section. The equipment will penetrate up to 50 meters.

**D. Planning, Preservation, and Development – *Matt Ritter reported.***

Ray stated that the Division has been very successful with the Open Space funds. The Division has reached a verbal agreement with the McClements family to purchase the rest of their property near Fork Branch and an endowment may be established there. The Division has reached an agreement to purchase land through BF3 LP funding. This purchase will include approximately 30 acres near White Clay Creek just south of the Krantz Farm. The Division was able to acquire 70 acres of agricultural land on Route 26 at Trap Pond which allow for better hunting on that property. The Division closed on a piece of property along Snuff Mill Road across from the Oversee property. TNC and Mt. Cuba assisted with funding this purchase.

Jim White asked when the work in the wetlands will be completed at Auburn Heights. Matt shared that vegetation was done last week in the wetland area near Snuff Mill. The area near CCA will take place in the fall. The wetland near Farm Lane will be starting soon.

The Division is working on two bridges in Auburn Valley State Park; the Snuff Mill Bridge and the Farm Lane Bridge. The Division is trying to determine trail alignments near the Snuff Mill Bridge.

The Fenton Barn has been demolished. Grass has been planted at the site where the silo still stands. The Division is determining how to best utilize the area.

The new Madagascar Exhibit at Brandywine Zoo will provide additional quarantine space, office space and an event space for up to 70 people. A loop trail through the Zoo will make the space seem bigger.

The Division spent approximation a half-million dollars on small projects at the Zoo including the new Bee Exhibit which is now finished.



This fall the Division will be doing a lot of work at Fort Delaware. The tram path will be redone, work will also take place on the pathway around the island, another pole shed will be erected for the maintenance staff, and a screened pavilion will be built. The pavilion will replace the tent used during the Paranormal Tours and should draw more people to the island.

#### **V. Land and Water Conservation Trust Funds**

Ray stated that the trust fund is doing well. The fund is up over \$70M. The Division gave away over \$1M of grants during the last cycle.

#### **VI. Old Business**

The Division held another meeting to gain public input on the Brandywine Creek Trail plan. The meeting was held and the comment period is currently open. The trail, which used to be a road along Rocky Run, is having huge problems. This is the most contentious point in the plan. The Division has put crush and run on the trail and it is ending up down in the creek. The plan currently calls for paving the area with asphalt. Some trail users are opposed to putting asphalt on the trail in this area but asphalt is the best solution to the drainage issue there. The Division evaluated pouring concrete in the area but that is cost prohibitive. Once the public comment period is over a decision will be made and the Division plans to finalize the trail plan. Matt stated that there are a lot of social trails and gravity biking trails in that area. They are marked as pedestrian trails on the plan but some of them will be removed and others will be “rearranged”. Some trail users are not happy with this plan of action either. Gravity biking is damaging to the environment and causes extensive erosion. Ray stated that the current rules do not allow for mountain biking on the south side of the park but the Division is adding some trails that will open up a large portion of the park to mountain biking.

One of the recommendations, though not the highest ranking recommendation, in the White Clay Creek master plan is for a campground. Campgrounds around the state are very busy. White Clay Creek is our largest park in New Castle County. It has our largest trail system. People come from all-over to ride mountain bikes in the park. The Division has proposed a small campground on the Krantz Farm and the woods near the farm. Ray stated that “campground” does not necessarily mean RVs and campers; it could mean cabins or yurts or tent camping. The idea is to try to connect the camping to the CSA that operates out of the Krantz Farm to help sustain that operation. There is an RFI open currently for multiple properties at White Clay including Lamborn, the Niven house, the Krapf house, and the Krantz property. An RFP will be forthcoming soon.

The Krantz family originally gave the Division an easement on the property then the Division came back and bought the property. The conservation easement allowed for the construction of five homes and two mobile homes on the site. The contract signed at the time of purchase, states that the Division will work directly with 4H. The 4H group had no interest in that property. The Division wants to honor the agricultural roots of the property. It would be a unique experience for campers to be able to interact with a farm. Based on models around the country, the Division feels it would be very popular. At the master plan meeting, the family voiced their displeasure in the possibility of a campground and they felt it violated the conservation easement. Division staff consulted with our legal team prior to the open house and they did not feel the proposal violated the conservation easement. The Krantz family

doesn't want RVs in the park. After the meeting, Ray invited two members of the family to visit Lums Pond where campers are young families and people who would love to work a farm field. They might even pay for a program like that. In addition, there is opportunity for retail sales of the crops that are grown by the CSA. The family is opposed. Jim stated that he lives in the area and that folks from upper New Castle County are concerned that the campground will not be used by park visitors. It will be used by people attending football games and going to visit their kids at the University of Delaware. For people who grew up at White Clay Creek, "it hits them in the face because that has never been the intention for White Clay Creek to support the University of Delaware programs". Jim said that the word "RV" is another concern. Jim doesn't think there would be a lot of push back on cabins. The Division is setting up meetings with local legislators and members of the Krantz family to talk in more detail.

Matt shared that in the early meetings regarding White Clay Creek one of the things that was heard often was we need to find other uses for our historic structures to save them. There is a good chance, if through the RFP process, someone puts in a bed and breakfast, people staying in that facility will be visiting U of D.

At Judge Morris, Brandywine Prime will be putting in a wedding barn on the old barn foundation. This is a \$700K commitment with no state funds. Clyde asked what we foresee for Lamborn. Ray expects it will be a special use facility, possibly a bed and breakfast or wedding facility. There is not a lot of parking there but it is a neat house with lots of outbuildings.

## **VII. New Business**

Ron made commentary regarding the renovation work at the Delaware State Fair building. Ron said many years ago, the DNREC building had an educational display of wildlife. He would like to see that come back. He did not watch the DVD which could have been about wildlife but sitting in a chair looking at a screen is not the same as viewing live animals. Ray said this year's renovations were just the first steps. There was a touch tank and three large aquariums in the building and the zoo staff brought an alligator to share. Ray said, "interactiveness is one of the big things our exhibits were lacking". He said it was great seeing kids on the big floor map looking for their house and that is the kind of stuff we need. Ed Lewandowski volunteered time and carved decoys in our exhibit. This year our Division was very involved in the building and exhibits. Ray was happy that this year we invited our partners into the building. The Fort Miles Historical Association spent time in the Partners' Booth. The Fort Miles Historical Association also exhibited three or four times. Ron stated that he loved the decoy deer which was placed outside of the entrance. Fair goers loved the deer. More than 33,000 people visited the exhibit this year which was more than double the number of last year's visitors.

The sand sculpture was also a huge draw. The intention was for the sculpture to promote Delaware Seashore. Unfortunately, the fair happened after our Annual Sandcastle Competition.

Ron stated that he also saw the K-9 unit at the fair. Ron concluded that it was an overall good job and looks forward to more improvements.

Jan Durham thanked Ron Breeding for doing a great job of running the meeting. Jan thanked Ray and the staff for the awesome they do of running State Parks. She said as a former employee, “it just makes her proud”. She thanked the Council for the great job they do.

Jan invited the group to the 42<sup>nd</sup> Nanticoke Indian Pow Wow which will take place in Millsboro on September 7<sup>th</sup> & 8<sup>th</sup>.

**X. Executive Session**

Ron asked for a motion to go into executive session at 11:32 p.m. Joe Smack made the motion, Jan seconded the motion. The motion carried unanimously.

At 12:13 p.m., Jan made a motion to end the executive session. Clyde seconded the motion and it carried unanimously.

**XI. Upcoming Events**

**XI. Meeting Adjournment**

The acting chairman called for a motion to adjourn. Ed Lewandowski made a motion to adjourn, Jim seconded the motion. The motion was unanimous and the meeting adjourned at 12:14 p.m.